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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

In re application of:

Serial No.: 09/350,858

Filed: July 9, 1999

Appellants: Men Glenn Chu et al.

For: Metal Product Containing)
Ceramic Dispersoids)
Formed In-Situ)

) Group Art Unit: 1742

) Examiner: Tima M. McGuthry-Banks

) Attorney Docket: 97-2166

I hereby certify that this correspondence is
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20231 on March 4, 2002.

Douglas G. Grantz
Douglas G. Grantz, Reg. No. 29,640
Date of Signature: March 4, 2002

Commissioner for Patents
Commissioner of Patents and Trademarks
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Sir:

REPLY BRIEF

Please enter the following Reply Brief Under 37 C.F.R.
§1.193(b) in response to the Examiner's Answer, Paper No. 11,
mailed January 28, 2002 in the Appeal of the above-identified
patent application. Triplicate originals of this Reply Brief are
enclosed.

New Points of Argument in Examiner's Answer

In Section 2 of the Examiner's Answer, the Examiner states
that the brief does not contain a statement identifying the
related appeals and interferences which will directly affect or

be directly affected by or have a bearing on the decision in the pending appeal is contained in the brief.

In reply, the Appellants' Brief at page 2, top, states there are no related applications that are currently on appeal or in an interference that are known to the Appellant, the Appellants' legal representative, or assignee which will directly affect, be directly affected by, or have a bearing on the Board's decision in the pending appeal.

In section 5 of the Examiner's Answer, the Examiner states that the summary of invention contained in the brief is deficient because the appellants state that the invention provides a novel method. The present application involves independently claimed product. Claim 18, the only independent claim, does not provide for any process limitations. Claim 19, a dependent claim, provides for a final product made by a claimed method.

In reply, Claim 19 is a product by process requiring a ceramic dispersoid formed by the method of the present invention.

In section 11 of the Examiner's Answer, the Examiner states regarding Claims 18, 20-23, and 25, appellants state that Nagle does not teach using carbides of Sc, V, Mo, or Nb. However,

Nagle does teach using all of these metals in carbides in column 8, lines 58-67.

In reply, Nagle does not teach finely sized metal carbide particles used in forming the product by process requiring a ceramic dispersoid formed by the method of the present invention as disclosed and claimed in the Claims on Appeal.

In section 11 of the Examiner's Answer, the Examiner states that regarding Claim 19, appellants argue that the process by which the product is made in Nagle is different than in the present invention. However, the claim is drawn to a final product, not the process by which it was made.

In reply, Appellants' product provides preferred properties of the claimed product-by-process, namely the volume percent, the density, and the closeness of particles upon 500-x magnification.

In section 11 of the Examiner's Answer, the Examiner states appellants argue that the properties of the claimed product-by-process, namely the volume percent, the density, and the closeness of particles upon 500-x magnification, were not claimed and were not presented as arguments before the claim was finally rejected.

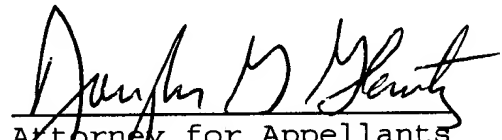
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In reply, Appellants' claimed invention had the differences, viz., the volume percent, the density, and the closeness of particles upon 500-x magnification, disclosed and described from the outset of prosecution of the present application and the importance of these differences are disclosed and described in the context of Appellants' specification description as originally filed.

Respectfully submitted,

March 4, 2002

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